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C O N F I D E N T I A L SECTION 01 OF 02 ABIDJAN 000439

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TAGS: [KCOR](#) [KDEM](#) [KJUS](#) [PGOV](#) [IV](#)  
SUBJECT: COTE D'IVOIRE: JUSTICE FOR THE RICH AND POWERFUL  
REF: ABIDJAN 403

Classified By: Pol/Econ Section Chief Silvia Eiriz for reasons 1.4 (b/d  
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¶1. (C) Summary. Cote d'Ivoire's judicial system is broken and not likely to be fixed soon. The President of the Ivorian Bar Association told Ambassador that the judiciary is filled with corrupt judges. Court decisions are not published and judges' copies of their decisions are sent to persons outside the judiciary for typing because judges and clerks lack computer training. The poor state of the judiciary will undoubtedly have an effect on the ongoing prosecution of top officials in the cocoa sector on corruption and embezzlement charges (See reftel). According to a member of the Bar Association, pressure will be exerted on the judges involved in the case both by the financially powerful accused as well as the politically powerful Presidency. End Summary.

¶2. (SBU) Democracy cannot flourish in a state that lacks rule of law. Cote d'Ivoire's judicial system, partly because of the political crisis that split the country in two and partly due to the culture of impunity that has since taken hold of Ivorian society, has become practically dysfunctional. There is a perception among Ivorians that justice in Cote d'Ivoire is available only to those with financial resources or political connections. Unfortunately, this perception seems to be the reality.

¶3. (C) Ambassador met on June 19 with the President of the Ivorian Bar Association, Claude Mentenon. Mentenon described the state of the justice system as "appalling." He noted that in Cote d'Ivoire's "unity" government in which all major parties are represented, the Minister of Justice is a member of the Prime Minister's New Forces movement and his mandate is limited to the identification process which is a necessary step in preparations for the upcoming presidential election. Mentenon said Justice Minister Mamadou Kone has absolutely no authority to reform the judicial system, which Embassy has been told includes about 550 judges and 500 attorneys.

¶4. (C) Mentenon described a court system that is riddled with corrupt judges and lacks a police presence to protect judges from the accused as well as any public record of decisions rendered. He characterized the President of the Supreme Court as a "public danger," who changes his legal decisions depending on the interests he is trying to protect. Most disturbingly, Mentenon alleged that there are line items in the government's budget for nonexistent courts and that when he raised this with government officials, he was urged not to go public because international aid to Cote d'Ivoire would dry up as a result.

¶5. (SBU) An Abidjan Appeals Court judge told Poloff that Supreme Court offices are not located in one building, judges in many courts are forced to share offices due to lack of space, and there are no legal libraries. She said that, while there are computers, many judges and clerks don't know how to use them and have been given no training, so decisions

are given to outsiders to type. (Comment. This practice could conceivably allow for tampering with the texts of judges' decisions. End Comment.)

16. (C) The poor state of the judiciary will have an effect on the ongoing corruption prosecution of top officials in the cocoa sector (See Reftel). Kouame Kouassi, a member of the Bar Association's Executive Committee, told Poloff July 1 that pressure will be exerted on the judges involved in this case both by the accused who are financially powerful as well as the politically powerful Presidency. Kouassi said the judges will advise the Chief Prosecutor of how they plan to proceed and that, in practice, the Chief Prosecutor receives his orders directly from the President. Kouassi recounted to Poloff how a judge approached him offering to enter into discussions if Kouassi were representing any clients in this case (Kouassi is not).

17. (C) Kouassi believes that, while there is substance to the allegations in these cases, and even if the government is sincere about fighting corruption, there is a political motivation for the prosecution. Kouassi explained that rumors about corruption in the cocoa sector have existed for years and have been ignored until now in the lead-up to presidential elections. According to Kouassi, the prosecution will follow this case to its end because President Gbagbo will be discredited if those who have been arrested, some of whom are prominent members of Gbagbo's FPI party, are released after only a few weeks or months. Kouassi believes Gbagbo was forced to arrest the FPI members involved because otherwise his efforts would not have been taken seriously. He explained that, while there is no

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official plea bargaining process in the Ivorian legal system, there are permissible unofficial discussions with judges regarding leniency if the accused cooperates. Thus, those arrested thus far may benefit from implicating others in the cocoa corruption scandal.

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